United Nations A/HRC/28/NGO/77

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Society for Threatened Peoples, Anti-Slavery International, Minority Rights Group, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03186 (E)
1503186

Please recycle

Situation of Mauritanian Anti-slavery Human Rights Defenders

This is a joint Written Statement submitted by the following non-governmental organisations (NGO): the Society for Threatened Peoples, Anti-Slavery International, and Minority Rights Group International.

The listed NGOs are deeply concerned by the significant degradation of the situation in which Mauritanian human rights defenders are working, in particular those working on combatting slavery. There has been a major spike in arrests and imprisonments of anti-slavery human rights defenders in recent months.

The listed NGOs would therefore like to draw special attention to the arrest, trial and subsequent sentencing on 15 January 2015 of three anti-slavery human rights defenders in Mauritania to two years' imprisonment following a hasty, 3-week trial. We view the arrests and subsequent sentencing of these individuals as a violation of their rights to freedom of assembly and association, and freedom of expression.

Pre-Trial and Trial

2013 UN Human Rights Prize Laureate and 2014 Mauritanian Presidential Election runner up Biram Dah Abeid was arrested on 11 November alongside Brahim Ramdhane and Djiby Sow, and seven other human rights deffenders (who were later acquitted). A further seven are awaiting their own trials on separate dates. All belong to the anti-slavery NGO Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritanie) except Djiby Sow, who belongs to another human rights NGO, called Kawtal.

The three individuals were sentenced on charges of "racism", "working in an unauthorised organisation", "violating public order", "inciting violence" and "offending the authorities".

Since their sentencing, the three convicted individuals have been sent to the largest prison in Mauritania, situated in the southern-centre of the country, some 260km from Nouakchott, in the sparsely-populated Aleg. This is reportedly one of Mauritania's most notorious and dangerous prisons with frequent unrest due to the conditions of detention (e.g., being "brutally" woken in the night, inadequate healthcare, and denials thereof). Neither their families, nor their lawyers or colleagues were informed of this transfer. Partners and lawyers have however been granted visits since.

The three anti-slavery activists have been kept in detention since their arrest on 11 November 2014, in substandard conditions of detention, according to information received from the prison. The poor conditions of detentions in Mauritanian jails, in term of health, sanitation, over-crowdedness and poor air ventilation, are widely documented, and have been confirmed by a UN fact-finding mission in 2014.[1]

In this regard, a 12 December 2014 press release by the UN High Commissioner for Human Rights regarding its preliminary fact-finding mission noted that, "in general, the conditions of detention in the places that were visited do not comply with the minimum international standards, most particularly the detention units and their ventilation."

Background of the Incident

At the time of their arrest, the human rights defenders had been undertaking a roving movement called *La Caravane Contre l'Esclavage*, in which the participants moved from location to location arranging various forms of peaceful protests, sit-ins and awareness-raising activities to highlight the problems of modern day slavery in Mauritania.

1 http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=15414&LangID=F

Mauritania routinely ranks among the states in the world where the prevalence of slavery is the highest. With between 4 percent and 20 percent – depending estimations – of its 3.8 million population in slavery, Mauritania's judiciary has only prosecuted one slave owner for the crime of slavery since the 2007 anti-slavery law was passed.

Mr Abeid and his colleagues were therefore seeking to empower marginalised communities to know and defend their rights through awareness-raising. They aimed to challenge the societal status quo in which the Arabo-Berber ethnic group – the traditional slave-owning class - accounting for around 20-25 percent of the Mauritanian population - hold most positions of power; in the police, judiciary, politics, religion and education.

The UN Special Rapporteur on Contemporary Forms of Slavery noted after her 2014 country visit that the 2007 Anti-Slavery law relies solely upon the police and judiciary, who "have shown a reluctance to follow up on allegations of slavery-like practices, with most cases being closed without any proper investigation", and that "the burden of proof lies on the victim".

Previous Reprisals against Mauritanian Human Rights Defenders

IRA-Mauritanie has been particularly targeted on numerous occasions in the past, and especially its President, Mr Abeid. He has been frequently arrested, harassed and subjected to reprisals, including smear campaigns.

Having a widely recognised important role in the fight against slavery in Mauritania, Mr Abeid previously held a position on the Mauritanian National Human Rights Commission. He was subsequently removed from this position allegedly for his outspokenness on the failure of the government to tackle contemporary forms of slavery.

Despite repeated attempts to legally register the organisation, IRA-Mauritanie is also constantly denied the right to operate legally in Mauritania by the authorities in spite of widespread international recognition – including by the listed NGOs herein - for the important and successful role that it is playing in the fight for the eradication of slavery in Mauritania. In this latest incident, IRA-Mauritanie's office has been closed since 13 November 2014.

Major Concerns of the Conditions of Human Rights Defenders

With the information contained here in mind, the listed NGOs express their deep concern about the widespread ramifications of these sentences. We are concerned about its repercussions not only on combatting slavery in Mauritania, but also the international anti-slavery movement if these sentences are upheld. NGOs play a vital role in combatting slavery, and must be empowered to act freely within the confines of international law in that regard.

The listed NGOs further note their dismay that the master convicted of owning slaves received the same sentence as these three anti-slavery human rights defenders did for seeking to eradicate slavery. It is a substantial step backwards to eradicating slavery when more anti-slavery human rights defenders are in prison, than slave owners. It is moreover striking that there has only been a paltry, single conviction under the 2007 Anti-Slavery Law – the first piece of legislation criminalising slavery in Mauritania – for possessing someone as a slave, who was released after only four months. Indeed, he was granted bail pending his appeal hearing in 2012, but this has never taken place. The human rights defenders have also appealed against their sentence and were denied bail.

Sources have also noted to the media that the gendarmes arrested the defendants on the orders of the Wali (Governor) of Rosso. Under Mauritanian law, it is for the Prosecutor – not the Wali - to order an arrest, but in this case, it was indicated that the request came after their arrest. The police also changed the primary accusation of "disturbing public order" following the arrest to *attroupement*, which carries a considerably larger sentence.

There are reasons to believe that the defendants were not granted a fair trial. There was only a period of 3 months between the defendants' arrests and their convictions, which has not given their lawyers sufficient time to build their defence.

The listed-NGOs are also concerned that the charges and subsequent sentencing violate the rights to freedom of assembly and of association. The Mauritanian authorities have failed to substantiate their objections against the *Caravane* protest in which the defendants were engaging.

We strongly condemn the charges of an "unauthorised assembly" levelled against the defendants carrying equal weight to that of possessing slaves, a crime that has only amounted to a single conviction since slavery became criminalised, despite extensive evidence indicating its widespread practice. We therefore do not consider the sentences as proportionate, nor warrant a prison sentence.

Finally, various media articles reported that people protesting against the verdict were beaten with batons and sprayed with teargas.

Recommendations

In view of the information on this situation contained herein, the listed NGOs would like to recommend that:

1. The Human Rights Council (HRC) and its members remind the Islamic Republic of Mauritania of its obligations to uphold international law as it relates to the rights of human rights defenders and to combatting slavery;
2. The HRC expresses its concern regarding the cases of detentions mentioned in this statement and urge the Mauritanian government to investigate the situation, rectify wrong-doings and provide reparations where appropriate;
3. The HRC reaffirms its recognition of the important role NGOs play in combatting the continued practice of slavery, and that their right to freely assemble and associate peacefully to exercise their right to freedom of expression is non-derogable;
4. The Mauritanian Government steps up efforts to eradicate the continued practice of slavery through fostering a healthy environment in which NGOs may work, including seeking international guidance, working in collaboration with both international and national NGOs, and training of law enforcement and the judiciary;
5. The HRC and its members continue to watch closely the developments of this case in the coming months;
6. The Mauritanian government extends an open invitation to the UN Special Rapporteur on Human Rights Defenders.
7. The Mauritanian government undertakes extensive action to render the 2007 Anti-Slavery Law more robust and effective in its application so as to ensure justice for slavery victims and the end of impunity for slave owners.